

NOTICE REGARDING AMENDMENTS TO FLOATING ZONE PLANS, DEVELOPMENT PLANS OR SCHEMATIC DEVELOPMENT PLANS

On March 4, 2014, the Council voted to approve a new Zoning Ordinance, effective October 30, 2014 (Ordinance No.: 17-43; Zoning Text Amendment No.: 13-04) ("New Zoning Ordinance"), which was amended on September 30 2014, in Zoning Text Amendment 14-09 (Ord. No. 17-52).

For rezoning applications filed after October 29, 2014, the New Zoning Ordinance eliminates the two plans (a Development Plan (DP)) or a Schematic Development Plan (SDP)) that previously accompanied applications for floating zones and created a single plan, a Floating Zone Plan (FZP), to be approved with these applications. The New Zoning Ordinance also permits amendments to Floating Zone Plans (FZPA) and sets procedures for these amendments.

Applicants who have a previously approved DPs or SDPs may apply for amendments to those plans under the old Zoning Ordinance until October 30, 2039. Applications for a Development Plan Amendment (DPA) or Schematic Development Plan Amendment (SDPA) for a plan approved prior to October 30, 2014, are governed by the previous Zoning Ordinance, pursuant to Section 59-7.7.1.B.1 of the New Zoning Ordinance, with certain exceptions specified in Sections 7.7.1.B.3. and 7.7.1.C.

To implement the new Zoning Ordinance, the Council also adopted new filing fees for FZPAs, DPAs, and SDPAs (Resolution No. 17-1168) and approved new Rules of Procedure to govern all OZAH proceedings in zoning matters (Resolution No. 17-1249). The new fee schedule and the new rules are set forth on this website.

This notice sets forth administrative procedures for amending a DP or an SDP. Procedures for amending FZPs are listed under a separate heading. Applicants for any of these plan amendments must submit four sets of its application and documents to Montgomery County Planning Department, at 8787 Georgia Avenue, Silver Spring, (301) 495 - 4610, for its assessment and certification of completeness. *Twenty - five percent of the filing fee approved by the District Council must be paid directly to the Planning Department when the application is submitted for verification of completeness.* Payment of the remaining 75% of the filing fee and the entire sign fee must be included with the application when it is filed with OZAH. Once Planning Staff certifies completeness of the application, the Applicant must file the certified original and fees with OZAH, which will accept the application and establish a hearing date. OZAH will maintain the original certified application and the record of the case; three complete copies of the application will be retained by M - NCPPC Technical Staff for its review and recommendation.

Forms and checklists for DPA and SDPA amendment applications follow this notice.

DEVELOPMENT PLAN AMENDMENTS AND SCHEMATIC DEVELOPMENT PLAN AMENDMENTS

Amendments to DPAs and SDPAs are governed by the Zoning Ordinance in effect on October 29, 2014, and the procedures are substantively different than those for amendments to Floating Zone Plans. A checklist for items required for DPA and SDPA applications is included in the pages that follow. The procedure for an SDPA is generally the same as for a DPA.

The Applicant must send written notice of the filing of the application to adjoining and confronting property owners and to civic associations within ½ mile of the property. For condominiums, notice must be sent to the Council of Unit Owners. Applicants must also post a sign on the property within three days of filing the application with OZAH.

After a DPA or SDPA application is filed with OZAH, an administrative record will be maintained by the Planning Board, which will include an exhibit list and identification of the parties. The record will be returned to our office after the Planning Board's meeting and completion of their recommendation. See, §59-D-1.74 of the 2004 Zoning Ordinance.

A public hearing before the Hearing Examiner is not required if the Planning Board determines that a public hearing is not necessary and there is no objection to the application. In these cases, the Planning Board's recommendation will be sent to OZAH, along with the proposed plan amendment, an executed copy of any amended covenants, the record the Planning Board has developed and a transcript of the Planning Board hearing. OZAH then forwards the Planning Board recommendation and a draft resolution to the District Council for its action. The administrative record will be maintained in our office for public inspection in the same manner as local map amendment applications.

If the District Council approves the amendment, a mylar and three copies of the amended plan approved by the District Council must be submitted by the applicant to OZAH for certification within 10 days, along with proof that any amended covenants have been filed with the Recorder of Deeds.

A public hearing will be required if there is public opposition, or it is recommended by the Planning Board, or requested by an aggrieved party within ten days of the Planning Board's meeting. In the event that a public hearing is required under §59-D-1.74(d), the following procedures will apply:

1. A prompt hearing date will be selected, after consulting with the parties, and OZAH will send out a formal hearing notice.
2. The applicant and any group opposing the application must submit prehearing statements which list witnesses and briefly summarize the subject matter of their testimony. A time estimate for case presentation should also be included, as well as a brief statement of the issues presented. The applicant's statement must be submitted 15 days before the hearing and the opposition's statements 5 days before the hearing. If the hearing itself is scheduled with only 15 days notice, the applicant's statement is due 10 days before the hearing.
3. OZAH's report and recommendation will be prepared and forwarded to the District Council within 30 days of the close of the record, unless the Hearing Examiner extends that time period. All hearing participants are provided notice of the Hearing Examiner's report and are entitled to request oral argument before the District Council. Any such request must be filed within ten days of the issuance of the Hearing Examiner's report.
4. If the District Council approves the amendment, a mylar and three copies of the amended plan approved by the District Council must be submitted to OZAH for certification within 10 days, along with proof that any amended covenants have been filed with the Recorder of Deeds.

CHECKLIST FOR AMENDMENTS TO DEVELOPMENT PLANS
APPROVED BEFORE OCTOBER 30, 2014

1. DPA application: The application should include all information required for development plans set forth in Section 59-D-1.3 of the old Zoning Ordinance (in effect on October 29, 2014.) Prior to submission to OZAH, the application must be reviewed for completeness by the Montgomery County Planning Department. Documentation from the Planning Department verifying that the application is complete must be filed with the application submitted to OZAH.
2. Filing Fees: Twenty-five percent of the filing fees approved by the District Council (Resolution 17-1168, on OZAH's website) are to be paid to the Planning Department at the time the application is submitted for review of completeness. The remaining 75% of the filing fees are due when the application is accepted for filing by OZAH. Checks submitted to OZAH should be made payable to Montgomery County, Maryland.
3. List of abutting/confronting property owners and civic associations within ½ mile of the property.
4. Previously certified development plan if approved after August 17, 1987 or the uncertified plan if approved prior to August 17, 1987. This means the most current approved development plan which could be either the original LMA plan or the most recent approved development plan amendment.
5. Proposed development plan containing all elements required by Section 59-D-1.3, in effect as of October 29, 2014.
6. Documents marked to show changes from the most recent Development Plan and/or Development Plan Amendment.
7. Surrounding area map;
8. Preliminary forest conservation plan, 59-D-1.3(c)(7);
9. If a property proposed for development lies within a special protection area, water quality inventories and plans prepared in accordance with Article V of Chapter 19. The development plan should demonstrate how any water quality protection facilities proposed in the preliminary water quality plan can be accommodated on the property as part of the project.
10. Statement of maintenance of public property, either condo association, HOAs, owner of rental property, etc., regarding maintenance of public areas, if applicable. (See Section 59-D-1.3(c)(6))
11. NRI/FSD: §59 D1.3 (a) Does not need to be approved at application; IF APPROVED, it should be no older than 2 years AND it must have a signed statement on the document from the preparer that is was prepared in accordance with a technical manual prepared by the Planning Board. (See 59-D-1.3(a))
12. Seventy-five percent of the filing fees, in a check may payable to Montgomery County, Maryland;
13. A development program stating the sequence in which all elements are to be built. 59-D-1.3(d); and
14. Disclosure of Contribution Form.

NOTE: The Applicant must file an executed Declaration of Covenants incorporating binding elements and restricting use of property before the record closes.

Application No. _____
Filed _____

**Application for Development Plan Amendment
Montgomery County, Maryland**

Name of Applicant

Tel. No.

Email Address

Address: _____

makes application with the County Council for Montgomery County, Maryland, sitting as a District Council for that portion of the Maryland-Washington Regional District within Montgomery County, for the amendment of the Development Plan, Exhibit No. _____, in Local Map Amendment Application No. _____, approved by the County Council on _____.

Concise Description of the Development Plan Amendment:

Location of Property: _____

Tax Account #: _____

Acreage: _____

Existing Zoning: _____

1. The most recent Development Plan (including amendments to the original Development Plan) proposed (list uses, density, setbacks, and height):

2. The requested Development Plan Amendment would make the following change(s):

This application for a Development Plan Amendment includes a copy of the certified approved Development Plan in LMA Application No. _____ and all information required by Section 59-D-1.3 of the 2004 Zoning Ordinance and OZAH's Rules of Procedure (Council Resolution 17-1249).

Signature of Applicant

Signature of Attorney - *(Please print next to signature)*

Address of Attorney

Telephone Number

Email Address

<u>Completeness</u>	The Applicant must provide documentation from the Montgomery County Planning Department verifying that the application is complete and includes all materials required by the Zoning Ordinance. Once the Planning Department deems the application complete, documentation of completeness must be included when submitting the application to OZAH.
<u>Filing Fee</u>	Twenty-five percent of the filing fees approved by the District Council (Council Resolution 17-1168, on OZAH's website) must be paid directly to the Planning Department when the application is submitted for review of completeness. Seventy-five percent of the filing fees must be paid when the application is accepted for filing by OZAH. The check should be made payable to Montgomery County, Maryland. The fee may not be refunded once it is paid.
<u>Initial Copies</u>	The Applicant shall submit four copies of the completed application, the Development Plan Amendment and the previously approved and certified Development Plan, and homeowners' documents if applicable. Staff of the Montgomery County Planning Department will notify the Applicant concerning the amount of additional copies of the Development Plan Amendment needed for the processing of the application.
<u>Posting of Sign</u>	<p>The Applicant is required to post the property covered by this application, with a sign provided by this office, within 3 days of the acceptance for filing of the application pursuant to Section 59-D-1.74(b). There is a fee of \$200 per sign, \$100 of which may be refunded if the sign is returned in usable condition within 21 days after the Hearing Examiner issues a Report or, if oral argument is requested, within 30 days after a final decision in the case.</p> <p>The Applicant is required to submit an affidavit of posting, on a form provided by this office, prior to the public meeting held by the Planning Board.</p>
<u>Mailing of Notice</u>	The Applicant is required to provide written notice that this application has been filed to abutting and confronting property owners pursuant to Section 59-D-1.74(b). The Applicant is required to submit an affidavit of mailing, on a form provided by this office, prior to the public meeting held by the Planning Board.
<u>Certification</u>	The Applicant, within 10 days after Council approval of a development plan amendment and prior to submittal of a subdivision or site plan, must submit to this office a reproducible original and 3 copies of the development plan amendment approved by the Council. The reproducible original and 3 copies must contain the following certification language:

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

CERTIFICATION

This is a true copy of the Development Plan Amendment (Exhibit No. ____)

approved by the District Council on _____, 20____, in Application

No. _____, by Resolution No. _____.

Hearing Examiner

Dated: _____, 20____.

**AFFIDAVIT OF POSTING
DPA APPLICATIONS**

I HEREBY CERTIFY that I placed or caused to be placed upon the property which is the subject of DPA Application No. _____ the sign furnished by the Office of Zoning and Administrative Hearings, that the sign was posted within three days after acceptance for filing of said application within ten feet of the property line in the most conspicuous location, and that the sign has been continuously maintained to the date of hearing.

I understand that the sign is to be maintained in the same position for 10 days after a final decision in the case, including any appeals. I further understand that the Applicant is entitled to a refund of \$100 of the sign fee if the sign is returned to OZAH in reusable condition within 21 days of a final decision in the case. If the sign is not returned, the refund is forfeited.

APPLICANT

Subscribed and sworn to before me, a Notary Public for Montgomery County,
Maryland, this _____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires: _____

DEVELOPMENT PLAN AMENDMENT APPLICATION DISCLOSURE STATEMENT
(Revised October 14, 2014)

State law requires that each and any Applicant for a local zoning map amendment, or Party of Record, who has made a contribution to a candidate for County Executive or County Council of \$500.00 or more, calculated cumulatively for the four-year election cycle either before the filing of the application or during the four-year cycle within which the application is pendent, must disclose the name of the candidate to whose treasurer, political committee, or slate the contribution was made, the amount and the date of the contribution.

A Disclosure Statement must be filed when the application is filed or within two weeks after entering the proceeding by a Party of Record and be updated within 5 business days of any contribution made after the filing of the initial disclosure and before final disposition of the application by the District Council. If more than one contribution is made, please specify in the space provided below each contribution and to whom it was made. **If more than one applicant is involved in a single application, each applicant must file this statement.**

Subject to the penalties of perjury, I, _____
**(NAME OF APPLICANT FOR DEVELOPMENT PLAN
AMENDMENT OR PARTY OF RECORD)**

HEREBY AFFIRM that the contents of this statement are true to the best of my knowledge, information and belief,
and that: **(SELECT EITHER 1 OR 2 BELOW AND CHECK APPROPRIATE STATEMENT)**

☐ 1. I HAVE made a contribution of _____
**(FILL IN AMOUNT OF CONTRIBUTION IF \$500
OR MORE, OR STATE N/A IF NOT
APPLICABLE)**

on _____
(FILL IN DATE (MONTH, DAY AND YEAR) OF CONTRIBUTIONS),

to the following candidate's treasurer, political committee, or slate:

**(FILL IN NAME OR NAMES OF CANDIDATE, OR STATE N/A IF
INAPPLICABLE)(If more space is required, use the back of this form.)**

☐ 2. I HAVE NOT made a contribution requiring disclosure.

SIGNATURE OF DECLARANT

This Statement is filed in compliance with the public ethics requirements of Md. Code Ann, General Provisions, §§5-842 through 5-845; 2014 Md. Laws Ch. 94. Any violation of these provisions is a misdemeanor, and upon conviction, is subject to a fine of not more than \$1,000.

Subscribed and sworn to me, a Notary Public for Montgomery County, Maryland, this

_____ day of _____, 20__.

NOTARY PUBLIC
My Commission Expires:

For your convenience, some definitions are included on the reverse side of this form.

(B) Applicant.

(1)(I) “Applicant” means an individual or business entity that is:

1. a title owner or contract purchaser of land that is the subject of an application;
2. a trustee who has an interest in land that is the subject of an application, excluding trustees described in a mortgage or deed of trust; or
3. a holder of 5 percent or greater interest in a business entity who has an interest in land that is the subject of an application.

(II) “Applicant” includes, if the applicant is a corporation, the directors and officers of the corporation that actually holds title to the land, or is a contract purchaser of the land, that is the subject of an application.

(2) “Applicant” does not include:

- (I) a financial institution that has loaned money or extended financing for the acquisition, development, or construction or improvements on the land that is the subject of an application;
- (II) a municipal or a public corporation;
- (III) a public authority;
- (IV) a public service company acting within the scope Division I of the Public Utilities Article; or
- (V) a person who is hired or retained an accountant, an attorney, an architect, an engineer, a land use consultant, an economic consultant, a real estate agent, a real estate broker, a traffic consultant, or a traffic engineer.

* * *

(E) “Candidate” means an individual who wins an election to the Office of County Executive or County Council of Montgomery County.

* * *

(F) (1) (I) “Contribution” means:

- (1) A payment or transfer of money or property of \$500 or more, calculated cumulatively during a 4-year election cycle, to the treasurer of either a candidate or a political committee.
- (2) The incurring of any liability or promise of anything of value of \$500 or more, calculated cumulatively during a 4-year election cycle, to the treasurer of either a candidate or political committee.

(II) “Contribution” includes a payment or transfer to a slate with which a candidate is associated.

(2) (I) Except as provided in subparagraph (II) of this subsection, the \$500 cumulative threshold contribution is calculated separately as to each candidate or elected official.

(II) For purposes of this subtitle, a cumulative contribution of \$500 or more to a slate is fully attributed to each candidate on the slate.

NAME	ADDRESS	LOT	BLOCK
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[illegible]

AFFIDAVIT OF MAILING
FOR DEVELOPMENT PLAN AMENDMENT APPLICATIONS

**(This notice must be filed with the Office of Zoning and Administrative
Hearings at the time of the public hearing)**

I hereby certify that I mailed or caused to be mailed, as required by 2004 Zoning Ordinance §§ 59-D-1.74 and H-4.24, an informational notice to all owners of property abutting and confronting the land that is the subject of this application. In the case of condominiums, notice is required only for the condominium's council of unit owners and, if appropriate, the developer of the condominium project.

Such mailing was made within 3 days after the acceptance for filing of this application by the Office of Zoning and Administrative Hearings. Attached is a list of all property owners, with addresses, who were mailed a copy of the informational notice. A copy of this listing was provided to the Planning Board at least 30 days prior to its public meeting regarding this application.

Applicant

Subscribed and sworn to before me, a Notary Public for Montgomery County,
Maryland this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

CHECKLIST FOR SCHEMATIC DEVELOPMENT PLAN AMENDMENT APPLICATIONS

1. SDPA application: The application should include all information required for a schematic development plan set forth in Section 59-H-2.53 of the old Zoning Ordinance (in effect on October 29, 2014.) Prior to submission to OZAH, the application must be reviewed for completeness by the Montgomery County Planning Department. Documentation from the Planning Department verifying that the application is complete must be filed with the application submitted to OZAH.
2. Filing Fees: Twenty-five percent of the filing fees approved by the District Council (Council Resolution 17-1168, on OZAH's website) must be paid when the application is submitted for review for completeness by the Planning Staff. The remaining 75% of the fees are due when the application is accepted for filing by OZAH. Checks submitted to OZAH must be made payable to Montgomery County, Maryland.
3. List of abutting/confronting property owners and civic associations within ½ mile of the property.
4. Previously certified schematic development plan: This means the most current approved development plan which could be either the original LMA plan or the most recent approved Schematic Development Plan Amendment containing all information required for a Schematic Development Plan.
5. Proposed schematic development plan containing all elements required for a schematic development plan (§59-H-2.53 of Zoning Ordinance in effect as of October 29, 2014).
6. An NRI/FSD prepared in accordance with regulations and guidelines adopted by the Planning Board or an NRI/FSD that has been approved within the last 2 years.
7. Specifications on how and to what extent the applicant will restrict the development standards or the use of the property to less than the maximum permitted in the requested zone, and whether and how development will be staged.
8. If the applicant proposes to stage development, the sequence or timing in which development is to occur. The development program must indicate the relationship, if any, between the program and the county's capital improvements program.
9. If the applicant proposes to limit the use of the property to less than the maximum uses permitted in the requested zone, uses permitted must be listed on the plan.
10. A written specification containing sufficient detail with respect to the proposed restrictions or limitations and, if relevant, a drawing of appropriate scale containing the location, height, and uses of buildings and structures, location of parking areas, and locations of points of access to the site.
11. A list of those elements intended to be binding or illustrative.
12. Documents marked to show changes from the most recent certified Schematic Development Plan or Schematic Development Plan Amendment.
13. Covenants: An unexecuted covenant, suitable for filing in the land records, must be filed with the application, and must reflect the restrictions imposed if the schematic development plan is approved. Executed covenants must be filed prior to the close of the record.
14. Preliminary forest conservation plan, 59-D-1.3(c)(7).

Application No. _____
Filed _____

**Application for Schematic Development Plan Amendment
Montgomery County, Maryland**

Name of Applicant

Tel. No.

Email Address

Address: _____

makes application with the County Council for Montgomery County, Maryland, sitting as a District Council for that portion of the Maryland-Washington Regional District within Montgomery County, for the amendment of the Schematic Development Plan, Exhibit No. _____, in Local Map Amendment Application No. _____, approved by the County Council on _____.

Concise Description of the Schematic Development Plan Amendment:

Location of Property: _____

Tax Account #: _____

Acreage: _____

Existing Zoning: _____

1. The most recent Schematic Development Plan (including amendments to the original Schematic Development Plan) proposed (list uses, density, setbacks, and height):

2. The requested Schematic Development Plan Amendment would make the following change(s):

This application for a Schematic Development Plan Amendment includes a copy of the certified approved Schematic Development Plan in LMA Application No. _____ and all information required by Section 59-H-2.53 of the 2004 Zoning Ordinance and OZAH's Rules of Procedure (Council Resolution 17-1249).

Signature of Applicant

Signature of Attorney - (Please print next to signature)

Address of Attorney

Telephone Number

Email Address

Completeness

The Applicant must provide documentation from the Montgomery County Planning Department that the application is complete and includes all materials required by the Zoning Ordinance. Once the Planning Department deems the application complete, documentation of completeness must be included when submitting the application to OZAH.

Filing Fee

Twenty-five percent of the filing fees approved by the District Council (Council Resolution 17-1168, on OZAH's website) must be paid directly to the Planning Department when the application is submitted for review of completeness. Seventy-five percent of the filing fees must be paid when the application is accepted for filing by OZAH. The check submitted to OZAH should be made payable to Montgomery County, Maryland. The fee may not be refunded once it is paid.

Initial Copies

The Applicant shall submit four copies of the completed application, the Schematic Development Plan Amendment and the previously approved and certified Schematic Development Plan, and homeowners' documents if applicable. Staff of the Montgomery County Planning Department will notify the Applicant concerning the amount of additional copies of the Schematic Development Plan Amendment needed for the processing of the application.

Posting of Sign

The Applicant is required to post the property covered by this application, with a sign provided by this office, within 3 days of the acceptance for filing of the application pursuant to Section 59-D-1.74. There is a fee of \$200 per sign, \$100 of which may be refunded if the sign is returned in usable condition within 21 days after the Hearing Examiner issues a Report or, if oral argument is requested, within 30 days after a final decision in the case.

The Applicant is required to submit an affidavit of posting, on a form provided by this office, prior to the public meeting held by the Planning Board.

Mailing of Notice

The Applicant is required to provide written notice that this application has been filed to abutting and confronting property owners pursuant to Section 59-D-1.74(b). The Applicant is required to submit an affidavit of mailing, on a form provided by this office, prior to the public meeting held by the Planning Board.

Certification

The Applicant, within 10 days after Council approval of a Schematic Development plan amendment and prior to submittal of a subdivision or site plan, must submit to this office a reproducible original and 3 copies of the Schematic Development plan amendment approved by the Council. The reproducible original and 3 copies must contain the following certification language:

OFFICE OF ZONING AND ADMINISTRATIVE HEARINGS

CERTIFICATION

This is a true copy of the Schematic Development Plan Amendment (Exhibit No. _____)

approved by the District Council on _____, 20____, in Application

No. _____, by Resolution No. _____.

Hearing Examiner

Dated: _____, 20____.

Covenants

The Applicant must include unexecuted covenants in a format acceptable for filing in the land records of Montgomery County, Maryland, stating that the development on the property will conform to all binding elements included in the Schematic Development Plan Amendment. Executed covenants must be filed before the record closes. Acceptable formats for covenants may be found on OZAH's website under LMA application forms.

<u>NAME</u>	<u>ADDRESS AND TELEPHONE NUMBER</u>	<u>LOT</u>	<u>BLOCK</u>
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LOCAL CIVIC ASSOCIATION (NAME AND ADDRESS):

LIST OF ADJOINING AND CONFRONTING PROPERTY OWNERS:

AFFIDAVIT OF MAILING
FOR SCHEMATIC DEVELOPMENT PLAN AMENDMENT APPLICATIONS

**(This notice must be filed with the Office of Zoning and Administrative
Hearings at the time of the public hearing)**

I hereby certify that I mailed or caused to be mailed, as required by 2004 Zoning Ordinance §§ 59-D-1.74 and H-4.24, an informational notice to all owners of property abutting and confronting the land that is the subject of this application. In the case of condominiums, notice is required only for the condominium's council of unit owners and, if appropriate, the developer of the condominium project.

Such mailing was made within 3 days after the acceptance for filing of this application by the Office of Zoning and Administrative Hearings. Attached is a list of all property owners, with addresses, who were mailed a copy of the informational notice. A copy of this listing was provided to the Planning Board at least 30 days prior to its public meeting regarding this application.

Applicant

Subscribed and sworn to before me, a Notary Public for Montgomery County,
Maryland this _____ day of _____, 20____.

Notary Public

My Commission Expires: _____

**AFFIDAVIT OF POSTING
SDPA APPLICATIONS**

I HEREBY CERTIFY that I placed or caused to be placed upon the property which is the subject of SDPA Application No. _____ the sign furnished by the Office of Zoning and Administrative Hearings, that the sign was posted within three days after acceptance for filing of said application within ten feet of the property line in the most conspicuous location, and that the sign has been continuously maintained to the date of hearing.

I understand that the sign is to be maintained in the same position for 10 days after a final decision in the case, including any appeals. I further understand that the Applicant is entitled to a refund of \$100 of the sign fee if the sign is returned to OZAH in reusable condition within 21 days of a final decision in the case. If the sign is not returned, the refund is forfeited.

APPLICANT

Subscribed and sworn to before me, a Notary Public for Montgomery County,
Maryland, this _____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires: _____

**SCHEMATIC DEVELOPMENT PLAN AMENDMENT APPLICATION
DISCLOSURE STATEMENT (Revised October 14, 2014)**

State law requires that each and any Applicant for a local zoning map amendment, or Party of Record, who has made a contribution to a candidate for County Executive or County Council of \$500.00 or more, calculated cumulatively for the four-year election cycle either before the filing of the application or during the four-year cycle within which the application is pendent, must disclose the name of the candidate to whose treasurer, political committee, or slate the contribution was made, the amount and the date of the contribution.

A Disclosure Statement must be filed when the application is filed or within two weeks after entering the proceeding by a Party of Record and be updated within 5 business days of any contribution made after the filing of the initial disclosure and before final disposition of the application by the District Council. If more than one contribution is made, please specify in the space provided below each contribution and to whom it was made.

If more than one applicant is involved in a single application, each applicant must file this statement.

Subject to the penalties of perjury, I, _____
(NAME OF APPLICANT FOR SDPA OR PARTY OF RECORD)

HEREBY AFFIRM that the contents of this statement are true to the best of my knowledge, information and belief, and that: (SELECT EITHER 1 OR 2 BELOW AND CHECK APPROPRIATE STATEMENT)

☐ 1. I HAVE made a contribution of _____
(FILL IN AMOUNT OF CONTRIBUTION IF \$500 OR MORE, OR STATE N/A IF NOT APPLICABLE)

on _____
(FILL IN DATE (MONTH, DAY AND YEAR) OF CONTRIBUTIONS),

to the following candidate's treasurer, political committee, or slate:

(FILL IN NAME OR NAMES OF CANDIDATE, OR STATE N/A IF INAPPLICABLE)(If more space is required, use the back of this form.)

☐ 2. I HAVE NOT made a contribution requiring disclosure.

SIGNATURE OF DECLARANT

This Statement is filed in compliance with the public ethics requirements of Md. Code Ann, General Provisions, §§5-842 through 5-845; 2014 Md. Laws Ch. 94. Any violation of these provisions is a misdemeanor, and upon conviction, is subject to a fine of not more than \$1,000.

Subscribed and sworn to me, a Notary Public for Montgomery County, Maryland, this

_____ day of _____, 20____.

NOTARY PUBLIC

My Commission Expires:

For your convenience, some definitions are included on the reverse side of this form.

(C) Applicant.

(1)(I) “Applicant” means an individual or business entity that is:

1. a title owner or contract purchaser of land that is the subject of an application;
2. a trustee who has an interest in land that is the subject of an application, excluding trustees described in a mortgage or deed of trust; or
3. a holder of 5 percent or greater interest in a business entity who has an interest in land that is the subject of an application.

(II) “Applicant” includes, if the applicant is a corporation, the directors and officers of the corporation that actually holds title to the land, or is a contract purchaser of the land, that is the subject of an application.

(3) “Applicant” does not include:

- (I) a financial institution that has loaned money or extended financing for the acquisition, development, or construction or improvements on the land that is the subject of an application;
- (II) a municipal or a public corporation;
- (III) a public authority;
- (IV) a public service company acting within the scope Division I of the Public Utilities Article; or
- (V) a person who is hired or retained an accountant, an attorney, an architect, an engineer, a land use consultant, an economic consultant, a real estate agent, a real estate broker, a traffic consultant, or a traffic engineer.

* * *

(G) “Candidate” means an individual who wins an election to the Office of County Executive or County Council of Montgomery County.

* * *

(H) (1) (I) “Contribution” means:

- (1) A payment or transfer of money or property of \$500 or more, calculated cumulatively during a 4-year election cycle, to the treasurer of either a candidate or a political committee.
- (2) The incurring of any liability or promise of anything of value of \$500 or more, calculated cumulatively during a 4-year election cycle, to the treasurer of either a candidate or political committee.

(II) “Contribution” includes a payment or transfer to a slate with which a candidate is associated.

(2) (I) Except as provided in subparagraph (II) of this subsection, the \$500 cumulative threshold contribution is calculated separately as to each candidate or elected official.

(II) For purposes of this subtitle, a cumulative contribution of \$500 or more to a slate is fully attributed to each candidate on the slate.